

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIK A.) CIVIL NO.CV04-00428 LEK
POWELL, THROUGH)
PERSONAL REPRESENTATIVE)
MARY K. POWELL; THE)
ESTATE OF JAMES D.)
LAUGHLIN, THROUGH)
PERSONAL REPRESENTATIVE)
RAGINAE C. LAUGHLIN;)
MARY K. POWELL,)
INDIVIDUALLY; RAGINAE)
C. LAUGHLIN,)
INDIVIDUALLY; CHLOE)
LAUGHLIN, A MINOR,)
THROUGH HER NEXT)
FRIEND, RAGINAE C.)
LAUGHLIN,)

Plaintiffs,)

vs.)

CITY AND COUNTY OF)
HONOLULU,)

Defendant.)

and)

CITY AND COUNTY OF)
HONOLULU,)

Third-Party)
Plaintiff,)

vs.)

UNIVERSITY OF HAWAII, a)
body corporate; JOHN)
DOES 1-10, JANE DOES)
1-10, DOE CORPORATIONS)
and DOE ENTITIES,)

Third-Party)
Defendants.)

DEPOSITION OF:

RALPH S. GOTO

Wednesday

October 11, 2006

EXHIBIT "30"

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1 beach. And Hanauma Bay would be no exception.
2 Q. Would you say that the requests from
3 Hanauma Bay are more than other parks?
4 A. No.
5 Q. Has it ever been raised to have
6 somebody in the water at all times at Hanauma
7 Bay?
8 MR. MAYESHIRO: Objection.
9 Vague and ambiguous.
10 Q. BY MS. WATERS: I mean a lifeguard.
11 A. In the water?
12 Q. In the water.
13 A. Floating around? Treading water?
14 Q. On a surfboard. Whatever.
15 A. The concept has been discussed, yes.
16 Q. And what are the considerations that
17 went into that discussion of whether or not it's
18 feasible?
19 A. I think the reality of assigning a
20 person to be in the water, whether it be on a
21 surfboard or treading water, however, you have to
22 look at what that would entail. There would
23 also, unfortunately or fortunately, however you
24 look at it, be labor and union issues because it
25 would be a change in duties, et cetera, et

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1 cetera. There was some suggestion at one point
2 to station a person in the water at the area
3 known as The Slot. And I know it was discussed.
4 There were some plans to do that. But ultimately
5 there wasn't enough justification for it.
6 Q. The labor and union, that has to do
7 with which labor union?
8 A. The Hawaii Government Employees
9 Association.
10 Q. Oh, the HGEA. Sorry. I'm very
11 familiar with that.
12 So ultimately it was something that was
13 discussed, but not --
14 A. Not implemented.
15 Q. How about having a jet ski only for
16 Hanauma Bay, was that discussed?
17 A. I know that there was a suggestion or
18 request from the park manager about it, and that
19 also ultimately was not implemented.
20 Q. And going back to the person being in
21 the water, do you know if this issue was
22 discussed prior to 2002?
23 A. I can't recall the chronology.
24 Q. What about the jet ski issue?
25 A. I can't recall.

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1 Q. What considerations went into the jet
2 ski not being implemented?
3 A. Financial. And, you know,
4 realistically, we have jet -- we have
5 incorporated jet skis in our operation. In fact,
6 Hawaii has pioneered the use of jet skis. To
7 assign a jet ski at Hanauma Bay specifically for
8 Hanauma Bay operation just didn't really make
9 sense. I mean, we use the skis, for instance, on
10 the North Shore. We use the skis on the windward
11 side of the island and -- not Hanauma Bay, but
12 Makapuu, Sandy Beach, where things occur offshore
13 or in the surf. And that has definitely changed
14 the way we do rescues, for instance. Hanauma
15 Bay, most of the people are inside the reef. It
16 wouldn't be real practical to have a jet ski
17 buzzing in and out of a few thousand people.
18 Q. How about has anyone discussed the
19 possibility of installing another lifeguard tower
20 at Hanauma Bay?
21 A. Yes.
22 Q. And do you know if this was discussed
23 prior to 2002?
24 A. Once again, chronologically, I'm not
25 sure.

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1 Q. Do you have any records with regards to
2 these discussions that would indicate the time
3 frame?
4 A. We could look at -- for instance, at
5 that time, we had weekly staff meetings. We
6 could try to look at the minutes of those
7 meetings and see exactly when it was discussed.
8 Q. What was the discussion with regards to
9 adding another tower at Hanauma Bay?
10 A. There is going to be an additional
11 tower installed at Hanauma Bay. That has been
12 approved through the budget procedure. We are
13 involved in an island-wide replacement program
14 for all of our towers, and a third tower for
15 Hanauma Bay is included in that plan.
16 Originally, that was a five-year plan. We are
17 now in year six of the five-year plan. And we
18 just installed the last tower on the North Shore,
19 so we have -- we're probably about halfway
20 completed. And, you know, there's reasons for
21 that: contracts, manufacturers on the Mainland,
22 et cetera. But there is a third tower slated to
23 be installed at Hanauma Bay.
24 Q. Do you know when -- I guess the plan
25 was approved six years ago.

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